

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

**DECLARATION**

---

As below named inventor, I hereby declare that:

My residence, post office addresses, and citizenship is as stated below next to my name.

I believe I am the original, and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **CATHETER FOR ENDOLUMINAL DELIVERY OF THERAPEUTIC AGENTS THAT MINIMIZES LOSS OF THERAPEUTIC**, the application for which is filed herewith in the United States Patent and Trademark Office.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this declaration.

I acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

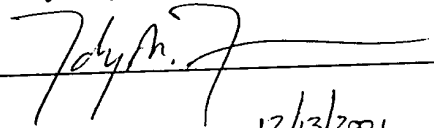
01-268  
12013/62101

Application Number

Filing Date

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor one : Toby Freyman  
Inventor's signature :   
Date : 12/13/2001  
Residence : 41 Warwick Road  
Watertown, MA 02472  
Citizenship : United States of America  
Post Office Address : (same as above)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Toby FREYMAN

Serial No.: Unassigned

Filing Date: Herewith

For: CATHETER FOR ENDOLUMINAL DELIVERY  
OF THERAPEUTIC AGENTS THAT MINIMIZES  
LOSS OF THERAPEUTIC

Group Art Unit: Unassigned

Examiner: Unassigned

Honorable Commissioner of Patents and Trademarks  
Washington, DC 20231

**GRANT OF POWER OF ATTORNEY PURSUANT TO 37 C.F.R. § 3.71**

S I R:


Assignee hereby appoints: Charles R. Brainard (Reg. No. 21,069); John C. Altmiller (Reg. No. 25,951); Estelle J. Tsevdos (Reg. No. 31,145); Douglas E. Ringel (Reg. No. 34,416); Judith Toffenetti, (Reg. No. 39,048); Kristina Jahns (Reg. No. 41,092); Timothy M. Devlin (Reg. No. 41,706); William M. Merone (Reg. No. 41,993); Fred Grasso (Reg. No. 43,644); David Greenbaum (Reg. No. 46,739); Teresa Lavenue (Reg. No. 47,737); Dalia Grimberg (Reg. No. 47,611); Julie Stein (Reg. No. 43,158); Jennifer King (Reg. No. 46,828); Thomas Haag (Reg. No. 47,621); Scott Bluni (Reg. No. 40,916); Mark J. Casey (Reg. No. 37,796); David L. Cavanaugh (Reg. No. 36,476); Luke R. Dohmen (Reg. No. 36,783); Peter J. Gafner (Reg. No. 36,517); Albert K. Kau (Reg. No. 40,672); Steven A. McAuley (Reg. 46,084); Todd P. Messal (Reg. No. 42,883); Robert M. Rauker (40,782); and William J. Shaw (Reg. No. 43,111) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith. All previous Powers of Attorney in connection with this application are hereby revoked. Please send all correspondence to:

Charles R. Brainard  
KENYON & KENYON  
One Broadway  
New York, NY 10004

and direct all phone calls to Charles R. Brainard at (212) 425-7200.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

14 DEC 2001  
Date

  
(Reg. No. 40,916)  
Patent Counsel

on behalf of: SCIMED LIFE SYS., INC.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Toby FREYMAN

Serial No.: Unassigned

Filing Date: Herewith

For: CATHETER FOR ENDOLUMINAL  
DELIVERY OF THERAPEUTIC  
AGENTS THAT MINIMIZES LOSS  
OF THERAPEUTIC

Group Art Unit: Unassigned

Examiner: Unassigned

**Honorable Commissioner of Patents and Trademarks**  
Washington, DC 20231

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

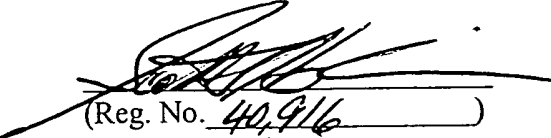
**SCIMED Life Systems, Inc.**, a corporation, certifies that it is the assignee of the entire right, title, and interest in the United States patent application identified above by virtue of an assignment from Toby Freyman. The assignment is being submitted to the United States Patent and Trademark Office for recordation, and a copy of the assignment and the recordation cover sheet are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

14 DEC 2001  
Date

  
(Reg. No. 40,916)  
Patent Counsel

on behalf of:  
SCINEX LIFE SYS., INC.



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

FEBRUARY 13, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

KENYON & KENYON  
DOUGLAS E. RINGEL  
1500 K STREET, N.W.  
SUITE 700  
WASHINGTON, D.C. 20005



\*101926430A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/17/2001

REEL/FRAME: 012386/0602  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
FREYMAN, TOBY

DOC DATE: 12/13/2001

ASSIGNEE:  
SCIMED LIFE SYSTEMS, INC.  
ONE SCIMED PLACE AN ORGANIZATION  
OF THE STATE OF MINNESOTA  
MAPLE GROVE, MINNESOTA 55311-1566

SERIAL NUMBER: 10015697  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

2/19/02

12-27-2001

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

RECOI



101926430

JC835 U.S. PTO  
10/015697  
12/17/01

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type**

- ☒ New  
☐ Resubmission (Non-Recordation)  
☐ Document ID #   
☐ Correction of PTO Error  
☐ Reel #  Frame #   
☐ Corrective Document  
☐ Reel #  Frame #

**Conveyance Type**

- ☒ Assignment  
☐ License  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other

**U.S. Government**

(For Use ONLY by U.S. Government Agencies)

- ☐ Departmental File  
☐ Secret File

**Conveying Party(ies)**

☐ Mark if additional names of conveying parties attached

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

**Second Party**

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

**Receiving Party**

☐ Mark if additional names of receiving parties attached

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**FOR OFFICE USE ONLY**

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

12/27/2001 6TON11 00000021 110600 10015697

01 FC:581

40.00 CH

**Correspondent Name and Address**

Area Code and Telephone Number

(202) 220-4200

Name Douglas E. Ringel

Address (line 1) Kenyon & Kenyon

Address (line 2) 1500 K Street, N.W.

Address (line 3) Suite 700

Address (line 4) Washington, D.C. 20005

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments

# 2

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached.

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

**Patent Number(s)**

To Be  
Assigned

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year  
12 13 2001

**Patent Cooperation Treaty (PCT)**

Enter PCT application number  
only if a U.S. Application  
Number as not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment:

Enclosed ☐

Deposit Account ☒

Deposit Account

Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 11-0600

Authorization to charge additional fees:

Yes ☒

No ☐

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Douglas E. Ringel

Name of Person Signing

Douglas E. Ringel  
Signature

Dec. 17, 2001  
Date

**ASSIGNMENT**

WHEREAS, I,

1) **Toby Freyman**, a citizen of The United States of America;

residing at

1) 41 Warwick Road, Watertown, MA 02472

(hereinafter also referred to as "the Assignor"); have invented new and useful improvements in **CATHETER FOR ENDLOUMINAL DELIVERY OF THERAPEUTIC AGENTS THAT MINIMIZES LOSS OF THERAPEUTIC** for which we have made application for Letters Patent of the United States, said application being filed in the United States Patent and Trademark Office herewith; and

WHEREAS, SCIMED LIFE SYSTEMS, INC., organized and existing under and by virtue of the laws of the State of Minnesota, having an office at One SCIMED Place, Maple Grove, Minnesota 55311-1566, (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title and interest in and to the application and invention therein described and claimed and any Letters Patent that may be issued upon the application or for the improvements therein contained.

NOW, THEREFORE, in consideration of One U.S. Dollar (U.S. \$1.00) and other valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

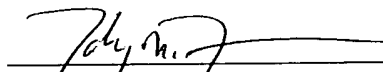
2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

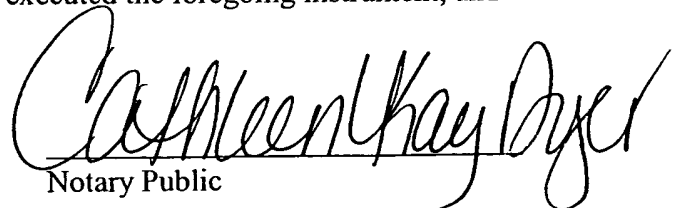
4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance.

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 13 day of DECEMBER, 2001.

  
Toby Freyman

On this 13<sup>th</sup> day of December, 2001, before me personally came **Toby Freyman**, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of same.

  
Notary Public

